

## ETHICS ADVISORY #00-01 - Misuse of Government Resources

The "Standards of Ethical Conduct" requires employees to "protect and conserve Government property" and "not use such property, or allow its use, for other than authorized purposes." (5 C.F.R. Sec. 2635.704). The DoD "Joint Ethics Regulation (JER)," DoD 5500.7-R, helps to define "authorized purposes." (JER 2-301). In addition to official use, "authorized purposes" can include some occasional, incidental, and intermittent personal use of reasonable duration if it does not interfere with mission or official duties and does not result in significant additional cost, when authorized by the "agency designee."

The CG has authorized AMC employees some occasional, incidental, and intermittent personal use of reasonable duration of their computers, communications systems and other resources. This authorization, and its limitations and restrictions, are set out in AMCIO-T Policy Memorandum #97-08, dated 4 Sep 97, as revised in Change 1, dated 23 Feb 99 (attached to this Advisory).

In "The Washington Post" business section of January 3, 2000, there is a report about five Army employees of the Military District of Washington (MDW) caught allegedly misusing their Government computers, e-mail accounts and internet access. According to the report, they used their Government computers and internet access to download software from a commercial website (AllAdvantage) and install it on their computers. This software tracks and pay the users for their time spent on the web; in addition, they can earn commissions by getting others to join.

Apparently, one of the MDW employees being solicited to join by a fellow employee, talked to a reporter. When the reporter contacted MDW, the spokesman knew nothing about this scheme. However, it was quickly uncovered, and five Army employees are implicated.

AMC employees should be aware that accessing, installing and using AllAdvantage or similar software on their Government computers violates of AMC Policy Memorandum #97-08 and the proscriptions against:

Misuse of official position for personal gain; and  
Misuse of Government resources.

Worse, it could even be a violation of a criminal law (18 U.S.C. Sec. 209) that prohibits the supplementation of our Federal salary for the performance of our official duties (e.g., receiving payment for doing research on the web in the performance of our job).

Authorized use of the telephone, computers, e-mail, etc., will never include use for commercial purposes. In addition, we need to be extremely careful about business

dealings with fellow-employees. The general rule is "no solicitation" in the office. I have already provided guidance on the issues involved and you can find these ADVISORIES in the LotusNotes Ethics Advisories Database:

ETHICS ADVISORY 98-03 - Appropriate Use of E-Mail.

ETHICS ADVISORY 98-14 - Solicitations in the Federal Workplace

If you have any further questions, please contact one of us below.

What if you have already installed this software on your Government computer? Uninstall it! What if you have already received money for surfing the web on the job or as commissions for soliciting co-workers? Return it to the source! What if you have concerns about solicitations in your workplace? Go to your supervisor, the IG, or one of your Ethics Counselors!

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